



RECEIVED *11/3*

MAY 04 2001

TECH CENTER 1600  
Docket No. 255.0004 0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sheridan et al. ) Group Art Unit: 1651  
Serial No.: 09/727,739 ) Examiner: Unknown  
Filed: December 1, 2000 ) Confirmation No.: 418  
For: SOMATOSTATINS AND METHODS

**PETITION FOR RETROACTIVE FOREIGN FILING LICENSE**

Commissioner of Patents and Trademarks  
Attn: Licensing and Review  
Group 3640  
Washington, DC 20231

Dear Sir:

Petition is hereby made for a retroactive foreign filing license under 35 U.S.C. §184 and 37 C.F.R. §5.14. Applicants have also provided herewith the Declaration of Victoria A. Sandberg under 37 C.F.R. §5.25(a)(3).

The following Canadian patent application was filed on December 1, 2001.

---

Applicant(s): Mark A. Sheridan  
Jeffrey D. Kittelson  
Craig A. Moore  
Serial No.: 2,325,169 (Canada)  
Filed: December 1, 2000  
For: SOMATOSTATINS AND METHODS

---

U.S. Applications concerning the subject matter with respect to which this retroactive license is requested are identified as follows:

05/02/2001 TGEDAMU1 00000023 09727739

01 FC:122

130.00 0P

**Petition For Retroactive Foreign Filing License**

Page 2

*Applicant(s): SHERIDAN et al.*

*Serial No.: 09/727,739*

*Filed: December 1, 2000*

*For: SOMATOSTATINS AND METHODS*

---

**Applicant(s):** Mark A. Sheridan  
Jeffrey D. Kittelson  
Craig A. Moore  
**Serial No.:** 60/168,934 (United States)  
**Filed:** December 3, 1999  
**For:** NOVEL SOMATOSTATINS AND METHODS  
**Foreign Filing License granted December 28, 1999.**

---

**Applicant(s):** Mark A. Sheridan  
Jeffrey D. Kittelson  
Craig A. Moore  
**Serial No.:** 09/727,739 (United States)  
**Filed:** December 1, 2000  
**For:** SOMATOSTATINS AND METHODS  
**Foreign Filing License granted January 19, 2001.**

---

Applicants submit that the priority document (United States Patent Application Serial No. 60/168,934) was granted a foreign filing license on December 28, 1999, and that any additional material included in the Canadian application did not alter the general nature of the invention described in the priority document, pursuant to 37 C.F.R. §5.15. Applicants further submit that the corresponding U.S. utility application (United States Patent Application Serial No. 09/727,739), which is essentially identical to the Canadian application, was granted a foreign filing license on January 19, 2001.

Applicants believe that the material disclosed in the Canadian application is within the scope of the foreign filing license granted December 28, 1999, in connection with the priority document (United States Patent Application Serial No. 06/168,934). Thus, this request for Foreign Filing License is submitted as a precautionary measure.

It is submitted that, if and to the extent the Canadian application contains subject matter that is not within the scope of the foreign filing license granted on December 28, 1999, in United

**Petition For Retroactive Foreign Filing License**

Page 3

Applicant(s): SHERIDAN et al.

Serial No.: 09/727,739

Filed: December 1, 2000

For: SOMATOSTATINS AND METHODS

States Patent Application Serial No. 60/168,934, the Canadian application was filed abroad through error and without deceptive intent. It is further submitted that the application does not disclose an invention within the scope of 35 U.S.C. §181.

Applicants have included the fee of \$130 under 37 C.F.R. 1.17(h). Please charge any additional fees or credit any overpayment to Deposit Account No. 13-4895.

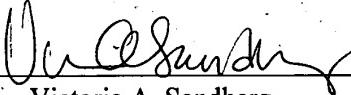
**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, ATTN: Licensing and Review, Group 3640, Washington, D.C. 20231, on this 24th day of April, 2001.

  
Victoria A. Sandberg

Respectfully submitted,  
SHERIDAN et al.  
By their Representatives,  
Mueting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Phone: (612)305-1220  
Facsimile: (612)305-1228  
**Customer Number 26813**

25 April 2001  
Date

By:   
Victoria A. Sandberg  
Reg. No. 41,287  
Direct Dial (612)305-1226